

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DEAN PROPER,

Plaintiff,

v.

CRAWFORD COUNTY
CORRECTIONAL FACILITY, et al.,

Defendants.

Civil Action No. 06-279 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on November 28, 2006 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 126], filed on November 4, 2009, recommended that the motion to dismiss filed by Defendants Deputy Warden Saulsbury, Nurse Cynthia Saulsbury, Kerri Thayer Boozer (aka Jane Doe), Stewart, Coleman, Barnes and Phil Smith (aka John Doe) [Doc. No. 109] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. Following two requests for extensions of time, which were granted by the Magistrate Judge [Doc. No. 129 and Doc. No. 131], Plaintiff filed objections on December 8, 2009 [Doc. No. 137]. Responses to the Plaintiff's objections were filed by Defendants on December 18, 2009 [Doc. No. 139 and Doc. No. 143]. On December 28, 2009, the Court held oral argument on the Plaintiff's objections.

After de novo review of the motion and documents in the case, together with the Report and Recommendation and objections thereto, and following oral argument on the Plaintiff's objections, the following order is entered:

AND NOW, this 29th day of December, 2009;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendants Deputy Warden Saulsbury, Nurse Cynthia Saulsbury, Kerri Thayer Boozer (aka Jane Doe),

Stewart, Coleman, Barnes and Phil Smith (aka John Doe) [Doc. No. 109] is GRANTED.

The Clerk of Courts is directed to terminate Defendants Deputy Warden Saulsbury, Nurse Cynthia Saulsbury, Kerri Thayer Boozer (aka Jane Doe), Stewart, Coleman, Barnes and Phil Smith (aka John Doe) from the docket.

The Report and Recommendation [Doc. No. 126] of Magistrate Judge Baxter, filed on November 4, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge